

REMARKS

The Applicants believe that the amended claims and comments that follow will convince the Examiner that the rejections provided in the August 18, 2008 Office Action have been overcome and should be withdrawn. Claims 1 and 3-5 currently stand rejected. The Applicant has amended claims 1, 3-5 to more particularly point out the claimed invention. No new matter has been added and claims 1 and 3-5 remain for consideration. Further, Replacement Sheets of drawings have been submitted with this response.

I. THE EXAMINER'S REJECTIONS**35 U.S.C. § 112**

The Examiner rejected claims 1 and 3-5 under 35 U.S.C. § 112, Second Paragraph as being unpatentable for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 3, the Examiner stated:

[I]t is unclear as which plurality of clients 'the plurality of clients' in the 'a list of the plurality of clients who have been designated as an active speaker' is referring to since the claims recites [sic] a limitation of 'each of the second plurality of clients who have been designated as an active speaker' and 'each of the

first plurality of clients who have been designated as an active speaker'.
Office Action of August 18, 2008, pg. 4.

Regarding claims 4 and 5, the Examiner stated:

[I]t is unclear as which plurality of clients 'the plurality of clients' in the 'a list of said plurality of clients who have been designated as an active speaker' is referring to since the claims recites [sic] a limitation of 'each of said second plurality of clients who have been designated as an active speaker' and 'each of said first plurality of clients who have been designated as an active speaker'.
Office Action of August 18, 2008, pg. 4.

35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley et al, U.S. Pat. Pub. No. 2004/0085913 (hereinafter "Baxley") in view of Kung et al, U.S. Patent No. 6,671,262 (hereinafter "Kung"), and further in view of Polcyn, U.S. Pat. No. 6,594,269 (hereinafter "Polcyn").

Referring to claim 1, the Examiner stated that Baxley teaches substantial features of the claimed invention, including "a method for audio conferencing between clients of a circuit switched network and clients of a packet network" comprising "receiving a first audio packet from the circuit-switched conferencing server" and "receiving, by the packet-switched conferencing server, a plurality of audio packets, wherein the

plurality of audio packets comprises a second audio packet from each of the first plurality of clients who have been designated as an active speaker by the packet-switched conferencing server." (Office Action of August 18, 2008, pg. 5). Also, the Examiner stated that Baxley discloses "forwarding, over a connection, the second audio packets to the circuit-switched conferencing server", "mixing the first audio packet with the second audio packets from the first plurality of clients into a composite packet" and "forwarding the composite packet to each of the first plurality of clients to the packet-switched conferencing server" (Office Action of August 18, 2008, pg. 6).

However, the Examiner conceded that "Baxley does not specifically teach of establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server." (Office Action of August 18, 2008, p. 6). Also, the Examiner stated that "Baxley also does not specifically teach of the packet-switched conferencing server receiving audio packets using an asynchronous transmission method." (Office Action of August 18, 2008, pg. 6).

The Examiner attempted to cure this deficiency by stating:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another Baxley with teachings of Kung. The motivation for the suggested combination is that Kung's teachings would improve Baxley's teachings by providing distribution of load of a server and offload processing power of a server (col. 31, lines 36-39).

Office Action of August 18, 2008, pg. 7

Specifically, "Kung teaches a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing server establishes a connection with another conferencing server and uses the connection for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50)." (Office Action of August 18, 2008, p. 7). According to the Examiner, "the motivation for the suggested combination is that Kung's teachings would improve Baxley's teachings by providing distribution of load of a server and offload processing power of a server (col. 31, lines 36-39)." (Office Action of August 18, 2008, p. 7).

However, the Examiner further conceded that Baxley and Kung still do not teach "the packet-switched conferencing server receiving audio packets using an asynchronous transmission method." (Office Action of August 18, 2008, p. 7). To still cure the deficiencies in Baxley and Kung, the Examiner cited

Polcyn as teaching "a system for voice conferencing between different networks, wherein a conferencing server receives communications using an asynchronous transmission method (col. 2, lines 32-35; col. 4, lines 21-24, 33-36)." (Office Action of August 18, 2008, p. 7). The Examiner stated that it would have been obvious for one of ordinary skill in the art to combine Baxley, Kung and Polcyn. Specifically, the Examiner stated:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the audio packets received by the packet-switched conferencing as taught by Baxley to receive audio packets using an asynchronous transmission method as taught by Polcyn. The motivation for the suggested combination is that Polcyn's teachings of asynchronous transmission would improve the suggested system by allowing communication without synchronization of an external clock, which would allow a simpler setup of communication between devices.

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Furthermore, the Examiner rejected independent claims 3-5 and cited the same references Baxley, Kung and Polcyn in making a similar rejection as was made in claim 1.

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

35 U.S.C. § 112

The Examiner rejects claims 1, 3-5 under 35 U.S.C. § 112, second paragraph as being unpatentable for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants have amended claims 1, 3 and 4 to require a list of a "first plurality of clients who have been designated as an active speaker". Additionally, applicants have amended claim 5 to require a list of a "second plurality of clients who have been designated as an active speaker".

Applicants believe these amendments should overcome the 35 U.S.C. § 112 rejection made for claims 1 and 3-5, and the Examiner is respectfully requested to withdraw the 35 U.S.C. § 112 rejection of claims 1 and 3-5.

35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley in view of Kung and further in view of Polcyn. The Applicants respectfully disagree and request reconsideration in light of the Examiners rejection under 35 U.S.C. § 103(a) in light of the following comments.

It should be appreciated by one of ordinary skill in the art that Applicants invention, as described in amended claim 1, requires "designating one or more of the first plurality of clients as an active speaker on the packet-switched conferencing server", "designating one or more of the second plurality of clients as an active speaker on the circuit-switch conferencing

server" and "limiting, by the packet-switched conferencing server, one or more of the first plurality of active speaker clients added to the connection." Additionally, Applicants invention requires that "the packet-switched conferencing server keeps a list of the plurality of clients who have been designated as an active speaker." Also, Claims 3-5 require similar limitations as those of claim 1.

As stated in the specification of the patent application, "a plurality of first clients connect to a plurality of second clients" (Specification, pg. 7, ln. 11-14), where the service provider can send and receive audio packets from first and second clients" (Specification, pg. 7, ln. 16-24), and a connection is established between the packet-switched conferencing server and the circuit-switched conferencing server." (Specification, pg. 8, ln. 10-18) The specification also discloses that the packet-switched conferencing server keeps a list of plurality of clients who have been designated as an active speaker. (Specification, pg. 8, ln. 18-20) Also, the Circuit-switched server keeps an active speaker list so that it can limit the number of actively speaking phone-based clients. (Specification, pg. 9-10, ln. 30-2). As the specification points out, this is important because if the number of actively speaking clients becomes too large, the data being sent will become unintelligible.

Applicants believe that the Baxley, in view of Kung, further in view of Polcyn, either alone or in combination, do not disclose Applicants amended claims 1 and 3-5.

Baxley in view of Kung merely discloses an audio conference method in a hybrid network where input from packet-switched clients and circuits-switched clients connected to an audio conference is received by a single server acting as both, a packet-switched conferencing server and a circuit-switch conferencing server. Furthermore, Baxley in view of Kung merely teaches a conferencing system wherein multiple servers are used for conferencing. Thus, the conferencing is conducted by transmission of audio packets. Furthermore, the combination teaches the connection as being between like servers, and not between packet-switched and circuit switched servers as required by amended independent claims 1 and 3-5 of the present invention. (Baxley, para. [0050]; Kung, col. 31, ln. 36-39).

Further, Applicants believe that the neither Baxley, Kung, or Polcyn, alone or in combination, teach or fairly suggest Applicants invention which requires a packet-switched server keeping a list of clients who have been designated as an active speaker as required by amended independent claims 1 and 3-5 of the present invention. Applicants' invention requires designating one or more of the first plurality of clients as an active speaker on the packet-switched conferencing server,

designating one or more of the second plurality of clients as an active speaker on the circuit-switch conferencing server, and limiting, by the packet-switched conferencing server, one or more of the first plurality of active speaker clients added to the connection. Applicants' invention, by limiting the clients added to the connection, ensures that the list does not become too large and that the data being sent to every participant in the audio conference will be unintelligible.

Further, Amended claims 3-5 are also allowable and contain the same limitations as aforementioned claim 1. As described above regarding claim 1, Baxley, Kung and Polcyn, alone or in combination, do not teach Applicants' invention which requires a plurality of first clients connected to a plurality of second clients, where the service provider can send and receive audio packets from first and second clients. Also, a connection is established between the packet-switched conferencing server and the circuit-switched conferencing server. Further, the packet-switched conferencing server keeps a list of plurality of clients who have been designated as an active speaker. while the Circuit-based server keeps an active speaker list so that it can limit the number of actively speaking phone-based clients. Therefore, amended claims 3-5 are also allowable for the same reasons.

As demonstrated, Applicants invention is a distinct improvement over the prior art. In light of the aforementioned arguments, Applicants believe that Baxley, Kung and Polcyn, alone or in combination, do not teach each and every element of independent claims 1 and 3-5 of the present invention. Consequently, claims 1 and 3-5 are in condition for allowance and Applicants respectfully request that the 35 U.S.C. § 103(a) rejection be withdrawn.

III. CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is being timely filed. In the event that any additional fee is required for the entry of this amendment the Patent and Trademark Office is

specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

Date

11/18/08

A handwritten signature in dark ink, appearing to read "Joe H. Shallenburger", written over a horizontal line.

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